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PAPER NO. 21

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OFFICE OF PETITIONS

In re Patent No. 5,790,848
Issue Date: August 4, 1998
Application No. 08/384,706
Filed: February 3, 1995
Attorney Docket No. 151931.0004/
Patentee(s): Scott Wlaschin

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:
: DECISION ON PETITION
: UNDER 37 CFR 1.378(b)
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CORRECTED DECISION

The Petition Decision mailed on September 11, 2006 for the above-identified patent is hereby **VACATED**.

This is a **CORRECTED** decision replacing the decision mailed on September 11, 2006 on the **RENEWED** petition under 37 CFR 1.378(b), filed January 6, 2006, to accept an unavoidably delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this 2-month time limit can be granted under 37 CFR 1.136(a) or (b). **Any such petition for reconsideration must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.**

A first petition to revive under 37 CFR 1.378(b) was filed on August 22, 2005 and was dismissed on November 4, 2005.

A second petition decision was mailed on September 11, 2006. While the petition decision dated September 11, 2006 stated that the decision was in response to a petition filed on January 6, 2006, the file record shows no such petition on that date.

An investigation reveals that petitioner submitted a document on December 5, 2005 for a renewed petition under 37 CFR 1.378(b) purportedly for three patents numbers 5,893,087, 5,850,522, and 5,790,848. This is not acceptable. 37 CFR 1.4(b) states that "each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical." Accordingly, USPTO recorded the communication filed on December 5, 2005 with the first listed patent number 5,893,087. No separate copy of the renewed petition has been recorded with the second or third listed patent numbers.

Since there is evidence that petitioner attempted to renew the petition decision dated November 4, 2005, petitioner should promptly file a separate copy of the renewed petition with the appropriate identifier(s) in the instant patent, i.e. do not combine petitions for different patents in one communication. Before submitting a renewed petition in the instant case, it is recommended that petitioner review the contemporaneous decision in response to the petition filed on December 5, 2005 in patent number 5,893,087.

Since the petition decision dated September 11, 2006 has been vacated and in view of the present corrected decision, the status of this patent is EXPIRED. If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this 2-month time limit can be granted under 37 CFR 1.136(a) or (b). **Any such petition for reconsideration must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f).** Petitioner is reminded that any renewed petition and the required fee(s) should be filed separately for each patent desiring reconsideration.

Petitioner is also reminded that pursuant to 37 CFR 1.2 all business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

Further correspondence with respect to this matter should be addressed as follows:

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Any questions concerning this matter may be directed to Amelia Au at (571) 272-7414.



Charles Pearson
Director
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